

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN R. DEMOS,

Plaintiff,

v.

KEVIN J. McCARTHY,

Defendant.

Civil Action No. 23-cv-56-BJR

ORDER DISMISSING ACTION


The Court, having reviewed the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, Plaintiff's objections thereto, and the remaining record, finds and ORDERS as follows:

- 1) Plaintiff is subject to a pre-suit bar order. When he files a new action, he is required to submit an affidavit affirming, *inter alia*, that the claims presented have not been presented in any other action in any court.
- 2) The bar order requires that the Court dismiss actions that lack a conforming affidavit.
- 3) In an affidavit attached to his objections, Plaintiff states that he is unable to affirm that he has not presented his claims in another action or court. Accordingly, Plaintiff's case must be dismissed.
- 4) The Report and Recommendation is adopted.
- 5) Plaintiff's application to proceed *in forma pauperis* (Dkt. 1) is DENIED.
- 6) This matter is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(g) and

standing bar orders. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992).

7) The Clerk is directed to send copies of this Order to Plaintiff and to Judge Vaughan.

DATED this 24th day of February, 2023.



BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE